

Scianni, Melissa

From: Brush, Jason
Sent: Thursday, May 15, 2014 1:34 PM
To: Kermish, Laurie;Campbell, Rich;Johnson, AudreyL
Cc: Scianni, Melissa
Subject: Next run at Cargill statements

Importance: High

Per Alexis request for revision, can someone else please take next run at the TPs? I have no direct feedback from OPA (though I've asked).

From: Gullatt, Kristin
Sent: Thursday, May 15, 2014 1:17 PM
To: Brush, Jason
Cc: Johnson, AudreyL
Subject: Fw: Cargill - 1st draft quote and QAs

From: Gullatt, Kristin
Sent: Thursday, May 15, 2014 1:12:56 PM
To: Strauss, Alexis
Cc: Zito, Kelly; Brush, Jason
Subject: Re: Cargill - 1st draft quote and QAs

Could you forward a copy of the memo to Jason and I. Thanks

From: Strauss, Alexis
Sent: Thursday, May 15, 2014 1:03:28 PM
To: Gullatt, Kristin
Cc: Zito, Kelly
Subject: RE: Cargill - 1st draft quote and QAs

The memo went from Jared to Nancy Stoner yesterday around 5 pm. I sent a copy to Col. Baker today, who confirmed receipt. Let me know if you or Jason need a copy. I leave it to Jason, Rich C, and Sylvia to work on the talking points with Kelly et al...I recommend we broadly emphasize the South Bay wetland values.

From: Gullatt, Kristin
Sent: Thursday, May 15, 2014 12:01 PM
To: Strauss, Alexis
Subject: RE: Cargill - 1st draft quote and QAs

AS, Did the memo go out re Cargill?

From: Zito, Kelly
Sent: Thursday, May 15, 2014 11:59 AM
To: Gullatt, Kristin; Strauss, Alexis
Cc: Brush, Jason; Johnson, AudreyL
Subject: RE: Cargill - 1st draft quote and QAs

Hi Kristin-

I think you meant this to go to Audrey Johnson, not Ivry.
Alexis has the best read on the memo timing...

And I think Alexis also had some input on the statement/Q&As that she shared with Jason.
Not sure if this version incorporates those edits.

Thx-
Kelly

From: Gullatt, Kristin
Sent: Thursday, May 15, 2014 11:53 AM
To: Zito, Kelly
Cc: Brush, Jason; Johnson, Ivry
Subject: FW: Cargill - 1st draft quote and QAs

Hi Kelly,
Can you let me know if Jared sent the Cargill memo to HQs? If so, could you share the email and the memo. Thx
Kristin

From: Brush, Jason
Sent: Wednesday, May 14, 2014 7:57 PM
To: Zito, Kelly; Gullatt, Kristin; Strauss, Alexis
Cc: Scianni, Melissa; Johnson, AudreyL
Subject: Cargill - 1st draft quote and QAs

Draft quote:

"In an era of sea level rise, it is vitally important that areas like the salt flats around San Francisco Bay are managed with care," said EPA. "EPA's action today assures the public that we are taking the time and thoughtfulness necessary to thoroughly evaluate the Clean Water Act's protections for our bay lands."

Q&As

Q1: What action is EPA taking?

A1: The owners of salt-harvesting facilities on the Bay margin in Redwood City have asked EPA and the Corps of Engineers to make a finding of whether certain federal regulatory requirements are applicable at their site. Specifically, the property owners would like to know whether "waters of the United States" are present under the Clean Water and Rivers and Harbors Acts.

Q2: Why is this site important?

A2: 90% of the San Francisco Bay's historic tidal wetlands were filled in the 20th century. Among many other services, tidal wetlands provide a natural and extremely effective buffer for communities against storm surges and sea level rise. Salt ponds around the Bay represent cost-effective opportunities to restore these ecosystem services. Indeed, many thousands of acres of former salt ponds have already been restored and protected, such as the [Don Edwards Wildlife Refuge](#) in the South Bay. The Redwood City site in question is bounded on 3 sides by the Refuge.

Q3: Whose job is it to make this decision, the Corps or EPA?

A3: The Corps is responsible for making these determinations for the Rivers and Harbors Act, but the agencies share this function under the Clean Water Act. In the event of a disagreement, EPA has the final word on whether a location is subject to CWA permits.

Q4: Are the Corps and EPA fighting about this site?

A4: The site presents a complex history of legal facts and land uses over time, which both agencies have earnestly grappled with. EPA is committed to our partnership with the Corps and believes additional time is necessary to consider all aspects of the case.

Q5: If EPA determines that the CWA applies to the site, is it protected?

A5: Not necessarily. CWA coverage means development in tidal areas, streams and wetlands is subject to restrictions (not prohibitions), and can be authorized by permit.

Q6: Is this action part of the “Waters of the United States” rulemaking?

A6: No, but this is an example of how important the rulemaking is. With greater clarity over where the CWA applies, we will be better able to ensure all Americans can rely on clean water for the public safety, commerce, recreational, and economic benefits it provides.

Q7: What happens next?

A7: Over the next 10 days, EPA will decide whether to assume lead over the CWA jurisdictional questions at the Redwood City site.

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